



ZONING BOARD OF APPEALS

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LENORE R. MAHONEY
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TELEPHONE
(781) 431-1019 EXT. 2208

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ZBA 2010-74
Petition of Patrick Ahearn
15 Ordway Road

Pursuant to due notice, the Special Permit Granting authority held a Public Hearing on Thursday, September 16, 2010 at 7:30 p.m. at the Town Hall, 525 Washington Street, Wellesley, on the petition of PATRICK AHEARN requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a 4.3 foot by 20 foot garage extension with less than required right side yard setbacks, and construction of a 122 square foot one-story mudroom addition that will meet setback requirements, at 15 ORDWAY ROAD, in a 20,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On August 30, 2010, the petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Property owner: Michael and Sally McNamara

Presenting the case at the hearing was Patrick Ahearn (the "Petitioner"). Also present was Michael Tartamella.

Mr. Ahearn said that the project involves an existing nonconforming garage and an existing house. He said that they are proposing to leave more than 55 percent of the existing garage. He said that the plan is to extend the garage forward by 4.3 feet. He said that they also plan to build a mudroom to connect the garage to the house.

Mr. Ahearn said that the existing garage is quite narrow. He said that the garage will be widened to create enough room for two cars.

Mr. Ahearn said that the house has a lot of architectural character. He said that the garage was built at a later point in time and was not built with the same character that the house has. He said that the plan is to mimic the roofline of the house. He said that the roof will be raised approximately 3 feet 7 inches higher to match the pitches of the roofs. He said that the garage doors will be carriage house style, in keeping with the period of the house. He said that the storage area at the rear of the garage will remain. He said that the side yard setback of the garage will be maintained as it currently exists.

Mr. Ahearn said that the porch will be enclosed to create the mudroom. He said that the mudroom will fit into the existing sliver between the house and the garage.

The Board said that the Planning Board was concerned that the proposed increase in height of the garage would be detrimental in relation to a similar structure located at 9 Ordway Road. The Board said that the slight raising of the verticality will slope away from the side lot line. The Board said that the proposed design is better than the existing one architecturally.

Mr. Ahearn said that there will be no access to the additional space on top of the garage. He said that the roof will be raised to mimic the rooflines and the character of the house. He said that space will not be tall enough to stand up in. He said that the space is purely structural.

Mr. Ahearn said that there is fairly heavy screening with arborvitaes along the side of the garage. Mr. Tartamella displayed an overhead photograph of the property. Mr. Ahearn said that the vegetation will be preserved.

The Board asked how roof runoff will be handled at the valley that will be created between the roofs. Mr. Tartamella said that there will be a gutter at the back. Mr. Ahearn said that they will install a catch basin between the door and the window.

The Board said that it was concerned about attaching the conforming house to the nonconforming garage. Mr. Ahearn said that they discussed that issue with the Building Inspector. He said that the Building Inspector said that he was comfortable with connecting the house and the garage because the garage is an accessory use.

There was no one present at the Public Hearing who wished to speak to the petition.

Statement of Facts

The subject property is located at 15 Ordway Road, on a 20,063 square foot lot, with a minimum right side yard setback of 9.6 feet.

The Petitioner is requesting a Special Permit/Finding that construction of a 4.3 foot by 20 foot garage extension with less than required right side yard setbacks, and construction of a 122 square foot one-story mudroom addition that will meet setback requirements, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 8/3/10, stamped by Daniel J. Tivnan, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 8/13/10, prepared by Patrick Ahearn, AIA, and photographs were submitted.

On September 14, 2010, the Planning Board reviewed the petition and recommended that the Special Permit be granted with conditions.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing.

It is the opinion of this Authority that although construction of a 4.3 foot by 20 foot garage extension with less than required right side yard setbacks, and construction of a 122 square foot one-story mudroom addition that will meet setback requirements is increasing a nonconformity, such increase shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Therefore, a Special Permit is granted for construction of a 4.3 foot by 20 foot garage extension with less than required right side yard setbacks, and construction of a 122 square foot one-story mudroom addition, subject to the following conditions:

1. There shall be no plumbing or heat in the second story of the garage.
2. Existing vegetation along the right side of the garage shall be preserved to the extent possible.

The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time-stamped on this decision.

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APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.

Richard L. Seegel, Chairman

Cynthia S. Hibbard

Robert W. Levy

cc: Planning Board
Inspector of Buildings
lrm